

CITY COUNCIL

Meeting Agenda

**REGULAR MEETING
COUNCIL CHAMBERS**

**MONDAY, AUGUST 22, 2011
7:00P.M.**

*The Regular Meetings of City Council are filmed and can be viewed
LIVE while the meeting is taking place or at your convenience at any time after the
meeting on the City's website at www.ReadingPa.gov, under Info and
Downloads/Meetings and Agendas*

1. OPENING MATTERS

A. CALL TO ORDER

B. INVOCATION: Rev. Mike McCabe, Kenhorst 7th Day Adventist Church

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

2. PROCLAMATIONS AND PRESENTATIONS

3. PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making

"out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.

4. APPROVAL OF AGENDA

A. MINUTES: Council meeting of August 8, 2011

B. AGENDA: Council meeting of August 22, 2011

5. Consent Agenda Legislation

A. Resolution - Authorizing the Bank Accounts for the City of Reading for the 2011 Calendar Year as attached in Exhibit A (**Admin Services**)

B. Resolution – authorizing the Mayor to sign and submit an application for a PA DCNR Community Conservation Partnerships Circuit Rider Program Grant for the Circuit Rider Reading Recreation Commission Executive Director and Technical Assistance Project (**Admin Services**)

C. Resolution – intending to follow PennDOT regulations (see attached Exhibit A) re the selection of consultants for project construction inspections (**Law/Public Works**)

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

8. REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS

9. ORDINANCES FOR FINAL PASSAGE

A. Bill No. 37-2011 - amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, fee schedule, Fire Department (aka Department of Fire and Rescue Services) standby charges (**Law**) ***Introduced at the August 8 regular meeting***

Pending Legislation

Bill No. 38-2011 - authorizing the Mayor to execute a lease between the City of Reading and the Olivet Boys and Girls Club for a portion of the real estate situate in Pendora Park (**Law/Mayor**) ***Introduced at the July 11 regular meeting; Tabled at the July 25 regular meeting; Public Meeting held July 27; Tabled at the August 8 regular meeting***

10. INTRODUCTION OF NEW ORDINANCES

A. Ordinance – amending the fee schedule of the City of Reading (**Bus Analyst**) *To be distributed Monday*

B. Ordinance - amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, fee schedule, to reflect the new rate for Police Department standby charges (**Law**)

C. Ordinance - amending Chapter 5, Code Enforcement, Section 1403 Quality of Life Violations and Section 1410 Fines and Penalties of the Codified Ordinances of the City of Reading, adding additional Quality of Life Violations (**Bus Analyst/Law**)

D. Ordinance – amending the Codified Ordinances, Part 20 Solid Waste, Part 2 Dumpster Placement, Section 203 Conditions of Use (**Bus Analyst/Law**)

E. Ordinance - Amending the Code of Ordinances, City of Reading, Chapter 1, Part 5 Boards, Departments and Commissions, O. Diversity Board, Section 1-599.53 Membership to reduce the number of members from thirteen to nine (**Law**) *To be distributed Monday*

F. Ordinance - amending the International/City of Reading Building Code, Existing Building Code, Plumbing Code, Electrical Code, Mechanical Code, and Residential Code and as adopted by the City of Reading and Codified in Chapter 5, Code Enforcement by amending the placard removal fee and requiring in house accessibility plan reviews (**Law**)

G. Ordinance - amending the International/City of Reading Building Code, as adopted by the City of Reading and Codified in Chapter 5, Code Enforcement, by amending the placard removal fee and requiring in house accessibility plan reviews (**Law**)

11. RESOLUTIONS

A. Resolution 84-2011 - that the City of Reading consents to the sale of the Elm View Apartments Limited Partnership project property and the Mayor of the City of Reading is authorized to execute any and all documents required for the assignment of the above referenced loan and to modify certain Note and/or Loan Agreement terms, including but not limited to deferral of the July 2011 balloon payment, possible forgiveness of said balloon payment, and review of the July 2026 balloon payment for status determination (**Law/Community Development**) *Tabled at the May 23 June 13, June 27, July 11, July 25 and August 8 regular meetings*

B. Resolution – reappointing Councilors Vaughn Spencer, Francis Acosta, and Stratton Marmarou to the Local Redevelopment Authority (**Council Staff**)

C. Resolution – appointing Sarah Jacobson to the Redistricting Committee

(Admin Oversight)

D. Resolution – appointing JoAnne Brancadora to the Redistricting Committee **(Admin Oversight)**

E. Resolution – appointing William Seidel to the Redistricting Committee **(Admin Oversight)**

F. Resolution – appointing Otis Smith to the Recreation Commission **(Admin Oversight)**

G. Resolution – appointing Eddie Moran to the Recreation Commission **(Admin Oversight)**

H. Resolution – substituting a Letter of Credit for the Series D 2008 Bonds **(Bond Counsel)**

12. PUBLIC COMMENT – GENERAL MATTERS

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, August 22

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Thursday, August 25

Finance Committee – Council Office – 5 pm

Wednesday, August 31

LRA – Council Office 5 pm

Monday, September 5

City Hall Closed – Labor Day Holiday

Tuesday, September 6

Administrative Oversight Committee – Council Office – 5 pm

Finance Committee – Council Office – 5 pm

Thursday, September 8th

Rt. 12 Neighborhood Meeting (follow-up meeting) – Christ Lutheran Church - 7:30 pm

Monday, September 12

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, August 22

DID Authority – DID Office – 645 Penn St 5th Floor – noon

BARTA – BARTA Office – 3 pm

Tuesday, August 23

Housing Authority Workshop – WC Building – 4 pm

Housing Authority – WC Building – 5 pm

Environmental Advisory Council – Council Office – 5:30 pm

Planning Commission – Penn Room – 7 pm

Penn's Common Neighborhood Group – Penn's Commons meeting room – 7 pm

Wednesday, August 24

Human Relations Commission – Penn Room – 5:30 pm

Parking Authority – Parking Authority Office – 5:30 pm

Outlet Area Neighborhood – St. Mark's Lutheran Church – 6:30 pm

18th & Cotton Community Crime Watch – St Matthew's UMC – 7 pm

Stadium Commission – Stadium RBI Room – 7:30 pm

Thursday, August 25

Water Authority – Penn Room – 4 pm

Monday, August 29

District 7 Crime Watch – Holy Spirit Church – 7 pm

Thursday, Sept 1

Police Civil Service Board – Penn Room – noon

Glenside Community Council – Christ Lutheran Church – 6:30 pm

District 3 Crime Watch – Calvary Baptist Church – 7 pm

Monday, September 5

Shade Tree Commission – Planning Conference Room – 6 pm

Tuesday, September 6

Charter Board – Penn Room – 7 pm

Wednesday, September 7

Reading Elderly Housing Crime Watch – Front & Washington Sts – 2:30 pm

District 2 Crime Watch – St Paul's Lutheran Church

Thursday, September 8

Police Pension Board – Penn Room – 10 am

Legislative Aide Committee – Penn Room – 7:30 pm

Sunday, September 11

College Heights Community Council – Nativity Lutheran Church – 7 pm

Monday, September 12

Fire Civil Service Board – Penn Room – 4 pm

6th & Amity Neighborhood & Playground Assn – 6th & Amity Fieldhouse – 6:30 pm

**City of Reading City Council
Regular Business Meeting
Monday, August 8, 2011**

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Reverend John Francis from Christ Episcopal Church.

All present pledged to the flag.

ATTENDANCE

President of Council Spencer
Councilor Acosta, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Waltman, District 6
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher
Mayor T. McMahon
Managing Director C. Geffken
Sergeant at Arms Capt. R. Schafer

PROCLAMATIONS AND PRESENTATIONS

There were no proclamations and presentations issued at this meeting.

PUBLIC COMMENT

Council President Spencer announced that two (2) citizens were registered to address Council on agenda topics and three (3) were registered to address non-agenda topics. He inquired if any member of Council objected to suspending the public speaking rule requiring non-agenda comment at the end of the meeting. As no one objected, the rule was suspended. He reminded the citizens about the remaining public speaking rules.

Brandon D'Amico, of Shillington, was not present.

Ernie Schlegel, of Pear Street, expressed support for the ordinance that would authorize a lease agreement with the Olivet's for a rec center in Pendora Park. He expressed the belief that a variance should be provided to allow the recreation center within Pendora. He also expressed the belief that the deed restriction does not apply to the parcel being considered for the facility. He suggested that the City work to find a balance that matches needs and resources.

He noted the need for a recreation project that serves the population in a positive manner. He also noted his support for the programming provided by the Olivet's.

Ed Terrell, of Reading, PA, representing ACOR, stated that he is a local artist from the Ricktown Arts District. He questioned the funding stream listed in the Act 47 Recovery Plan that would stabilize and build this neighborhood. He suggested increasing the voice of those who reside in this community. He also questioned the desire to re-gentrify this area with citizens coming from outside Reading.

William Seidel, of Lehigh Street, stated that he is representing the Berkshire Green area and noted the Met-Ed plan to remove protective vegetation barriers located on a vacant parcel behind residential properties that border Route 12. He expressed the belief that the removal of this vegetation will create a variety of quality of life problems for Berkshire Green residents. He suggested that the maintenance and trimmings of the area would provide an adequate solution.

He thanked Councilor Reed for holding a neighborhood meeting on this issue last Thursday and noted that a second meeting will be held on September 8th. He expressed the belief that the current vegetation barrier provides a much needed protection for these residential properties.

Michael Duggan, of North 12th Street, noted the second article in the Reading Eagle noting the change in direction of traffic on North 12th Street, in front of the Citadel school building. He questioned the existing backroom deal on this issued as the article referenced City officials agreement with a change in the traffic pattern. He also expressed the belief that the Reading School Board has no idea about the traffic patterns that really occur at this school. He suggested that a change in direction of traffic could jeopardize the public safety of area residents.

APPROVAL OF THE AGENDA & MINUTES

Council President Spencer called Council's attention to the minutes from July 25th Regular meeting of Council and the agenda for this meeting. He noted the need to include an ordinance for introduction that will amend the Fire standby fees.

Consent Agenda Legislation

Award of Contract – for the Customer Service Center Project to Sponaugle Construction Services, 1350 East Chocolate Avenue, Hershey, PA 17033 for a total submitted price of approximately \$74,000.00 **(Purchasing)**

Councilor Marmarou moved, seconded by Councilor Reed to approve the minutes from the July 25th Regular meeting of Council and the agenda, as

amended, including the legislation listed under the Consent Agenda heading. The motion was approved unanimously.

ADMINISTRATIVE REPORT

Mayor McMahon read the report distributed to Council at the meeting covering the following:

- Four (4) more Bandshell Concerts scheduled from 5pm-10pm on August 19th, August 26th, September 2nd, and September 9th
- Update on the restoration of the rail service between Reading and Philadelphia
- Update on the PILOT meetings with area non-profits
- Announcing the 2nd Sunday program at the Goggleworks from 12pm-4pm

AUDITOR'S REPORT

City Auditor Cituk read the report distributed to Council at the meeting covering the following:

- Update on 2011 Franchise Fee Collection
- Update on 2011 Sewer Transfer

ORDINANCES FOR FINAL PASSAGE

Bill No. 38-2011 - authorizing the Mayor to execute a lease between the City of Reading and the Olivet Boys and Girls Club for a portion of the real estate situate in Pendora Park **(Law/Mayor)** *Introduced at the July 11 regular meeting; Tabled at the July 25 regular meeting; Public Meeting held July 27*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Acosta, to table Bill No. 38-2011.

Bill No. 38-2011 was tabled by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Waltman,
Spencer, President– 6
Nays: None - 0

Councilor Goodman-Hinnershitz stated that the ordinance was tabled until the project completes its Zoning and Planning process. She noted her continual communication with the community about this project.

Bill No. 39-2011- ratifying the Solid Waste and Recycling Fees for the City of Reading **(Law)** *Introduced at the July 25 regular meeting*

Councilor Marmarou moved, seconded by Councilor Acosta, to enact Bill No. 39-2011.

Council President Spencer stated that this ordinance will unify the recycling fees back to 1991 and the solid waste fees back to 2000. He noted that this ordinance does not increase either fee for 2011.

City Solicitor Younger agreed with the explanation given by the Council President.

Bill No. 39-2011 was enacted by the following vote:

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Waltman,
Spencer, President – 6**
Nays: None - 0

Bill No. 40-2011 - authorizing the Mayor to execute any and all documents to effectuate the conveyance of real estate situate at 818 Muhlenberg St., 456 Schuylkill Ave., 108 Plum St., 722 Lance, 1709 Mineral Spring Rd, 112 Plum St., 454 Schuylkill Ave. and 516 Garden from Lobos Ten Properties to the City of Reading for \$15,500 **(Law)** *Introduced at the July 25 regular meeting*

Councilor Reed moved, seconded by Councilor Acosta, to enact Bill No. 40-2011.

Bill No. 40-2011 was enacted by the following vote:

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Waltman,
Spencer, President – 6**
Nays: None - 0

D. Bill No. 36-2011 - amending the 2011 City of Reading Full Time Position Ordinance by decreasing the number of Property Maintenance Supervisors and increasing the number of Property Maintenance Inspectors within the Community Development Department, Codes Division **(Codes/Council Staff)** *Introduced at the July 11 regular meeting*

Councilor Reed moved, seconded by Councilor Acosta, to enact Bill No. 40-2011.

Bill No. 40-2011 was enacted by the following vote:

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Waltman,
Spencer, President – 6**
Nays: None - 0

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following ordinances into the record:

A. Ordinance – amending the Fire Departments Fee Schedule for stand-by fees. **(Law)**

RESOLUTIONS

Resolution 84-2011 - that the City of Reading consents to the sale of the Elm View Apartments Limited Partnership project property and the Mayor of the City of Reading is authorized to execute any and all documents required for the assignment of the above referenced loan and to modify certain Note and/or Loan Agreement terms, including but not limited to deferral of the July 2011 balloon payment, possible forgiveness of said balloon payment, and review of the July 2026 balloon payment for status determination **(Law/Community Development)** *Tabled at the May 23 June 13, June 27, July 11 and July 25 regular meetings*

Councilor Acosta moved, seconded by Councilor Reed, to table Resolution No. 84-2011.

Resolution No. 84-2011 was tabled by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Waltman,
Spencer, President – 6
Nays: None – 0

Resolution 141-2011 - authorizing the Mayor to execute a FFY2011 (37th CD year - January 1, 2011 to December 31, 2011) Action Plan amendment to revise 2010 activities and allocate un-programmed HOME funds to Habitat for Humanity in the total amount of \$278,000 for the conduct of eligible activities in the City of Reading as required by HOME program regulations and final rule at 24 CFR 92 **(Community Development)** *Tabled at the July 25 regular meeting*

Managing Director Geffken stated that the Administration wishes to withdraw this resolution from Council consideration.

Resolution 142-2011 authorizing the Mayor to execute a FFY2011 (37th CD year - January 1, 2011 to December 31, 2011) Action Plan amendment to allocate \$400,000 in HOME un-programmed funds to Berks Housing Development Partnership (BHDP), a Community Housing Development Organization (CHDO). In addition, BHDP shall be allocated CHDO operating funds and administrative funds to develop, manage and administer affordable housing programs in compliance with HOME program regulations and final rule at 24 CFR 92 **(Community Development)** *Tabled at the July 25 regular meeting*

Managing Director Geffken stated that the Administration wishes to withdraw this resolution from Council consideration.

Resolution 146–2011 - appointing Fred Opalinski to the Citizen’s Advisory Board (**Admin Oversight**)

Councilor Marmarou moved, seconded by Councilor Reed, to adopt Resolution No. 146-2011.

Councilor Marmarou noted the quality of the candidate and his willingness to volunteer on the Citizen’s Advisory Board.

Resolution No. 146-2011 was adopted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Waltman,
Spencer, President – 6
Nays: None – 0

Resolution 147-2011 supporting the in-sourcing of the City’s recycling program and asks the Managing Director to proceed in accordance herewith (**Council Staff**)

Councilor Goodman-Hinnershitz moved, seconded by Councilor Acosta, to adopt Resolution No. 147-2011.

Councilor Goodman-Hinnershitz noted the City’s exploration of the pros and cons for in-sourcing the recycling program. She stated that Council believes in the attributes of in-sourcing this program.

Resolution No. 147-2011 was adopted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Waltman,
Spencer, President – 6
Nays: None – 0

COUNCIL COMMENT

Mayor McMahon left at this time.

Councilor Reed thanked Mr. Seidel and the Berkshire Green residents for their activation around the proposed Met-Ed project proposed for the parcel that provides a barrier between Rt 12 and the residential properties.

Councilor Reed also noted the great Top of the Block event that occurred at the parking garage located at 7th and Penn Streets on Friday, August 5th.

Councilor Goodman-Hinnershitz stated that there is no “back-door” agreement regarding the proposed change in traffic for North 12th Street in front of the Citadel school building. She stated that the Reading School District is attending the August 15th Public Works Committee meeting and a community meeting will follow.

Councilor Goodman-Hinnershitz recognized the 103rd birthday of the Pagoda.

Councilor Marmarou inquired if any non-profit organization was receptive to the request of the City for an increased or a new PILOT contribution. Council President Spencer stated that organizations that have been approached have been receptive to providing increased services rather than an increased contribution.

Councilor Marmarou thanked Public Works for removing the plethora of cross-walks located around Kelchner field, in the Albright area.

Council President Spencer stated that the Pendora ordinance was tabled due to pending Zoning and Planning applications.

Council President Spencer noted the good attendance at the neighborhood meeting regarding the Met-Ed clearing of the vacant parcel that borders Route 12.

Council President Spencer noted his concern that proper planning does not occur when schools are built. He noted the need for preparation to also consider urban traffic issues.

Council President Spencer announced the upcoming meeting schedule.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Acosta, to adjourn the regular meeting of Council.

*Respectfully submitted by Linda A. Kelleher CMC,
City Clerk*

RESOLUTION NO. ____ 2011

THE COUNCIL OF THE CITY OF READING HEREBY
RESOLVES AS FOLLOWS:

Authorizing the Bank Accounts for the City of Reading for the
2011 Calendar Year as attached in Exhibit A.

Adopted by Council _____, 2011

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

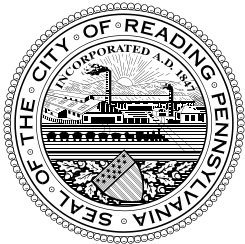
EXHIBIT A

Account Name	Bank Acct #	Bank	Bank Ending Balance as of 12/31/10
Cash Payroll Checking	2000003281536	Wachovia	\$ 581,303.92
Cash - GDA Recreation	2000003281523	Wachovia	\$ 4,833,785.55
Youth Fund Certification	2000003281565	Wachovia	\$ 8,580.42
Fund	2000003281578	Wachovia	\$ 37.05
General Savings	2000011218070	Wachovia	\$ 2,877,166.67
Old First Union Account	2100003080213	Wachovia	\$ 158,125.38
Inner City Boxing Club	2000030422135	Wachovia	\$ 296.80
City Solicitor Checking	2000003281549	Wachovia	\$ 1,053.44
Special Police Academy Account	2000003281581	Wachovia	\$ 13,262.45
Flexible Spending Account	2000011508382	Wachovia	\$ 12,580.12
Municipal Flex Now	21751-580-0	National Penn	
Escrow - Vince's Towing	2000039468938	Wachovia	\$ 32,808.44
Cash- Commerce	536368434	Metro	\$ 3,124,968.15
General Agency	2000011218122	Wachovia	\$ 1,853,657.08

Motor License Fund	2000011218135	Wachovia	\$ 1,874,351.49
Community Dev. - Cash	2000003281594	Wachovia	\$ 259,085.41
Section 108 cash	2000011508557	Wachovia	\$ 183,681.29
CDBG Program Income	2000011218012	Wachovia	\$ 20,542.93
Home Program Income	2000011218041	Wachovia	\$ 1,156.00
Fred Loan EZ	2000011218054	Wachovia	\$ 29,880.39
Guaranteed Loan Funds	2000013029212	Wachovia	\$ -
Debt Service Reserve Account	2000013029238	Wachovia	\$ -
Guaranteed Loan Funds	2000013029186	Wachovia	\$ -
Inv. Acct Loan	2000013029199	Wachovia	\$ -
Repayment Investment Acct	2000013029199	Wachovia	\$ -
Debt Service Reserve Inv.	2000013029209	Wachovia	\$ -
Account Loan	2000013029225	Wachovia	\$ -
Repayment Acct			
Community Development	2000060452382	Wachovia	
Block Grant			
Emergency Shelter Grant	2000060452395	Wachovia	
HOME Investment			
Partnerships Program	2000060452405	Wachovia	
Neighborhood Stabilization	2000060452418	Wachovia	
Program Homelessness	2000060452421	Wachovia	

Prevention & Rapid Replacement Program Community Development Block Grant - R	2000060452434	Wachovia	
Capital Project LOC Cash Rdg Phillies Project Account	2000047222302 1030356	Wachovia M&T	\$ 4,608,819.07
	3623-18277	Fulton	\$ 320.69
Cash - Self Insurance	2000011218151	Wachovia	\$ 116,254.85
Healthcare	2000018693290	Wachovia	\$ 77,505.57
Cash - Water	2000011218148	Wachovia	\$ 380,610.73
Cash - Recycling	2000011218164	Wachovia	\$ 1,913,972.65
Cash- Sewer Fund	2000011218119	Wachovia	\$ 19,118,564.47
Earned Income Tax	2000011218117	Wachovia	\$ 238,112.25
Sovereign Bank: Checking Wachovia	8031119104	Sovereign	\$ 291,515.96
Securities: MM	6754-8358	Wachovia	\$ 141,658.89
Sovereign Bank: Savings	9031119015	Sovereign	\$ 7,796,045.64

Sovereign Bank:			\$
Checking	8031119139	Sovereign	96,371.63
Morgan Stanley: MM	716-022319-137	Morgan Stanley	\$
Sovereign Bank: Savings	8031119112		422,553.00
		Sovereign	\$
			3,856,126.26
Sovereign Bank:			\$
Checking	8031119155	Sovereign	534,422.14
Patriot Bank: MM	5300999785	Susquehanna	\$
Sovereign Bank: Savings	8031119147		121,613.31
		Sovereign	\$
			2,057,768.49



AGENDA MEMO

THOMAS McMAHON, MAYOR
CARL GEFFKEN, MANAGING DIRECTOR

TO: City Council
FROM: Frank Denbowski, Mayor's Chief of Staff
PREPARED BY: Cindy DeGroote, Grants Coordinator
MEETING DATE: August 22, 2011
AGENDA MEMO DATE: August 17, 2011
REQUESTED ACTION: Council approve a resolution to authorize the Mayor to sign and submit a Pennsylvania Department of Conservation and Natural Resources Community Conservation Partnerships Circuit Rider Program Grant Application for the Circuit Rider Reading Recreation Commission Executive Director and Technical Assistance Project

RECOMMENDATION

The Administration recommends Council approve a resolution authorizing the Mayor to sign and submit a Community Conservation Partnerships Circuit Rider Program Grant application to request funding (\$190,500) of the total project cost (\$303,000) to provide salary and technical assistance for the hiring of a full time executive director for the Reading Recreation Commission.

BACKGROUND

The State Department of Conservation and Natural Resources' Community Conservation Partnerships Program (an umbrella term used for DCNR grant programs provide grant funds to meet recreation, park and conservation needs in neighborhoods, communities and regions while fostering and maintaining partnerships within the aforementioned neighborhoods, communities, and regions. The City has completed a DCNR Peer-to-Peer Study Project which included a recommendation for the City to apply for the Circuit Rider Program grant. The City will serve as the applicant for the Circuit Rider program grant which will fund a percentage (1st year-100%, 2nd year-75%, 3rd year -50%, 4th year-25%) of the salary and technical assistance for an executive director for the Reading Recreation Commission for four years. The required (\$112,500)

local match of the total project cost (\$303,000) will be provided by the Reading Recreation Commission.

BUDGETARY IMPACT

None

PREVIOUS ACTION

None

SUBSEQUENT ACTION

None

REVIEWED BY

Mayor's Chief of Staff, Managing Director and Mayor

RECOMMENDED MOTION

Approve/Deny the resolution to authorize the Mayor to sign and submit a Community Conservation Partnerships Circuit Rider Program Grant application for the Circuit Rider Reading Recreation Commission Executive Director and Technical Assistance Project.

Resolution No. _____

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND SUBMIT AN
APPLICATION FOR A PA DCNR COMMUNITY CONSERVATION PARTNERSHIPS
CIRCUIT RIDER PROGRAM GRANT FOR THE CIRCUIT RIDER READING
RECREATION COMMISSION EXECUTIVE DIRECTOR AND TECHNICAL
ASISTANCE PROJECT

WHEREAS, the Community Conservation Partnerships Grants Program, under the Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, provides grant funds to meet recreation, park and conservation needs in neighborhoods, communities and regions while fostering and maintaining relationships within the aforementioned neighborhoods, communities, and regions; and

WHEREAS, the City of Reading desires to undertake the Circuit Rider Reading Recreation Commission Executive Director and Technical Assistance Project.

WHEREAS, THE City of Reading is requesting \$190,500.00 of the total project cost of \$303,000.00 through the DCNR Community Conservation Partnerships Circuit Rider Program Grant funds; and

WHEREAS, the local share of funding, \$112,500.00, will be provided by the Reading Recreation Commission; and

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF READING that it agrees to comply with the requirements of the Community Conservation Partnerships Circuit Rider Program Grant and the Department of Conservation and Natural Resources for the purpose of obtaining grant funds for the Circuit Rider Reading Recreation Commission Executive Director and Technical Assistance Project.

PASSED COUNCIL_____, 2011

PRESIDENT OF COUNCIL

ATTEST:

CITY CLERK

RESOLUTION NO. _____

WHEREAS, the City of Reading intends to proceed with three Public Works' projects, i.e. North Sixth Street paving, Penn Street crosswalk and Penn Street lighting; and

WHEREAS, the City of Reading desires to follow certain regulations for the selection of consultants for project construction inspections.

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

That the appropriate members of the City of Reading's administration follow PENN DOT regulations (see attached Exhibit A) re the selection of consultants for project construction inspections.

Adopted by Council _____, 2011

President of Council

Attest:

City Clerk

(Law)

Chapter 7– Third Party Federal Aid Agreements

7.1 – Introduction

A Third Party Agreement for the purpose of this Publication is a Consultant Agreement between a Consultant and a Municipality or private sponsor receiving federal funds through a Reimbursement Agreement with PennDOT. This chapter outlines the procedures to be followed by PennDOT personnel and Municipalities for selecting Consultants and the administering and monitoring of Third Party Agreements.

Costs incurred by a Consultant who is not procured in accordance with approved procedures for federal-aid highway projects will not be eligible for federal-aid participation. Therefore, it is recommended that these procedures are followed for agreements that do not include any federal funds. Any future use of Federal Funds may be jeopardized if this process is not followed.

For the purpose of this discussion "Municipality" will mean Municipality or private sponsor.

Municipal projects are classified into two different categories,

- Small Projects - where the total cost, as estimated by PennDOT or the Municipality, of the work and services to be provided under the Consultant Agreement is \$100,000 or less.

NOTE: Federal policy states:

"The full amount of any contract modification or amendment that would cause the total contract amount to exceed the federal small purchase threshold would be ineligible for Federal-aid. The FHWA reserves the right to withdraw all Federal-aid from a contract if it is modified or amended above the federal threshold."

For this reason, municipalities may elect to use the procedures for Large Projects, if desired.

- Large Projects - where the total cost, as estimated by PennDOT or the Municipality, of the work and services to be provided under the Consultant Agreement is more than \$100,000.

Engineering Involvement Restrictions Guidelines, as defined in Section 1.5, will also be applied to all Third Party Agreements. The only exception to the application of these guidelines are Agreements using a Municipality's designated Municipal Engineer as the prime Consultant, provided the Consulting team is capable of performing the anticipated work and services.

7.2 – General Requirements

7.2.1 – Documentation

The Municipality must maintain documentation of their efforts in following the outlined procedures.

7.2.2 – Publication 93 Policy and Procedures

It is the responsibility of the IO Project Manager to assure that the Municipality has a copy of these procedures prior to the selection of a Consultant and continuing involvement with a Consultant is anticipated.

7.3 – Municipal Selection Process Procedures

7.3.1 – **Municipal Selection Process**

The Municipality must determine the method of procurement to be used for the project. Procurement of consulting services will be made by one of the three following methods:

Noncompetitive Negotiations - Procurement is made through solicitation of a proposal from only one source.

Noncompetitive negotiations may be permitted when the work and services can only be provided by a single Consultant; when

- due to an emergency there is insufficient time to comply with the competitive negotiation procedures; or,
- after solicitation of a number of sources, competition is determined inadequate.

Authorization to use this method must be obtained from the CAS and the FHWA prior to requesting a proposal from the Consultant. For guidance on justification and procedures refer to the applicable portions of [Section 3.3.2](#) and [Section 3.3.3](#) of this Publication. For municipal, emergency selections, an Emergency Declaration must be signed by an appropriate person.

Use Municipal Engineer - Third Party Agreements for consultant engineering services (preliminary engineering, final design, construction services, and construction inspection) that are directly related to a construction project may be completed by a qualified Municipal Engineer. The Municipal Engineer must have been selected utilizing a qualification based selection process in accordance with PennDOT policy and procedures. See policy and procedures concerning Municipal engineer in this chapter.

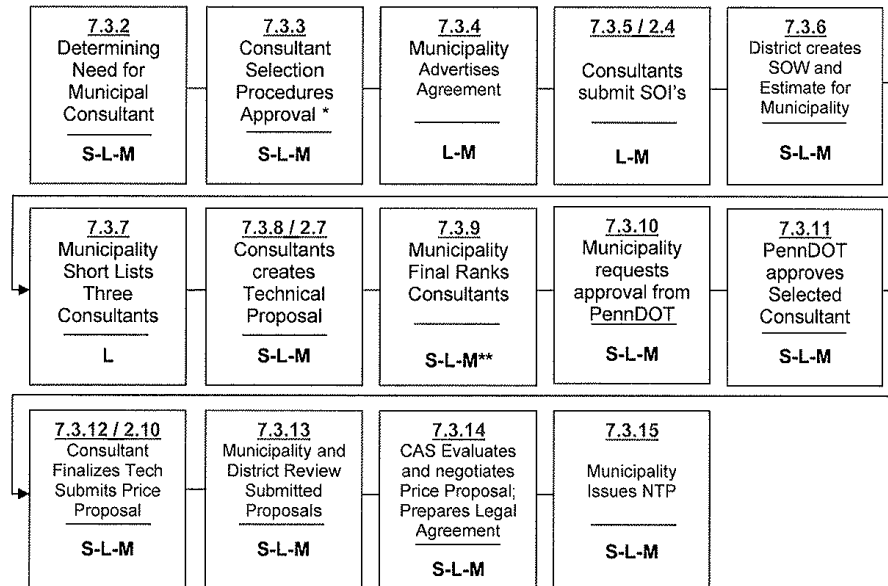
Competitive Negotiations - Competitors' qualifications are evaluated and the most qualified Consultant is selected, subject to negotiation of fair and reasonable compensation.

Competitive negotiations require solicitation of qualifications from the Consultant community through a public advertisement. The Municipality can evaluate the qualifications of the Consultants submitted in response to the advertisement using one of the following procedures:

- **Modified Selection Procedures** - For construction inspection, bridge inspection services, and non-complex or selected moderately complex projects as defined in DM1A, the most qualified Consultant is selected based on the letters of interest and request Technical and Price proposals from this Consultant for the purpose of negotiating a Consultant Agreement
- **Normal Selection Procedures** - For all other services, three or more Consultants are shortlisted based on the letters of interest. Technical proposals are requested from each of these Consultants. After an evaluation of these technical proposals, a Consultant is selected for the purpose of negotiating a Consultant contract.

MUNICIPAL PROCESS FLOW DIAGRAMS NORMAL SELECTION PROCEDURES

S – Small Project Selection Process
L – Large Project Selection Process
M – Municipal Engineer Selection Process

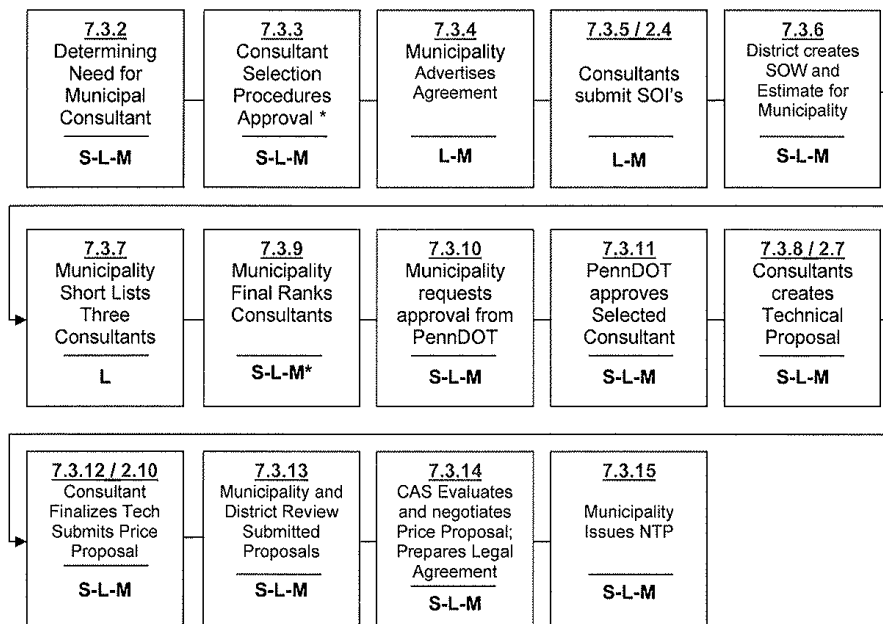


* It is recommended that municipalities have their Consultant Selection Procedures approved prior to advertisement. They must be approved prior to PennDOT approving the selected consultant

** This ends the process for the *Selection* of a Municipal Engineer. The following steps concerning the Municipal Engineer are used when a Municipal Engineer is to be used for a specific Federal Aid agreement.

MUNICIPAL PROCESS FLOW DIAGRAMS MODIFIED SELECTION PROCEDURES

S – Small Project Selection Process
L – Large Project Selection Process
M – Municipal Engineer Selection Process



* It is recommended that municipalities have their Consultant Selection Procedures approved prior to advertisement. They must be approved prior to PennDOT approving the selected consultant.

** This ends the process for the *Selection* of a Municipal Engineer. The following steps concerning the Municipal Engineer are used when a Municipal Engineer is to be used for a specific Federal Aid agreement.

7.3.2 – Determining Need for Municipal Consultant

Small Project Large Project

The Municipality will determine the need for Consultant services and document this need based on in-house capabilities and staff available.

If the Municipality has a full-time engineering staff, their workload is to be evaluated and the need for the use of a Consultant justified. The Municipality must document the conclusion that the work and services *cannot* be done in-house by attaching an analysis that compares the available work-hours of personnel with the required skills against the total work-hours required to accomplish the mission of those personnel with the required skills.

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In situations where it is evident the municipality does not have a engineering staff, the District Project Manager may place a memorandum stating such in the project file, and include that statement in the transmittal memorandum to the CAS.

Municipal Engineer

The Municipal Engineer may be retained for various consultant engineering services, *provided that they are qualified to complete that specific type of work (example – Design, Construction Inspection, NBIS) as documented during the selection process, and were selection using an approved, competitive selection procedure.*

The Municipality must designate a Consultant as their Municipal Engineer by an Act of the Mayor, Council, Board of Supervisors, etc. This designation **cannot** be done for the purpose of a particular agreement, but must be done as a matter of normal course of business for the reorganization of the Municipality's assignments.

The policy and procedures in this Chapter for preparing, negotiating and executing Third Party Agreements applies to Third Party Agreements with the Municipal Engineer.

Documentation showing the selection process used for the Municipal Engineer and the Resolution that indicates the designation or minutes of the meeting showing the designation of the Municipal Engineer must be kept on file for each Municipal Agreement in which the Municipal Engineer will be utilized.

The designation of the Municipal Engineer is valid for a period of not more than five years from the date of the Act designating the Municipal Engineer. If the Municipality's procedures for reorganization require annual designation of the Municipal Engineer, then the first Act after selection is complete will be considered as the start of the five year period. Third Party Agreements with the Municipal Engineer must be executed prior to expiration of the five year period. However, the time of completion for these executed agreements may go beyond the end of the five year period.

A new qualification based selection process should be initiated prior to the end of the five year period to prevent a lapse.

If a Consultant that has been previously designated as the Municipal Engineer is being proposed for a specific agreement, a copy of the Resolution that indicates the designation, or meeting minutes in lieu of the Resolution, will need to be furnished. A designated Municipal Engineer must have the capability of providing the requested services.

For cause, and at any time, PennDOT reserves the right to revoke approval and use of the designated Municipal Engineer for any Third Party Agreement. Examples of cause include, but are not limited to: poor performance, fraud, and/or the project being cancelled.

This policy is effective for any project authorization, Form D4232, approved on or after October 1, 2007. For an agreement with the funding for the construction phase of a project was issued prior to October 1, 2007, and that includes design and construction inspection, the consultant would be able to complete the existing agreement.

A municipal engineer cannot submit a SOI or be proposed for a Third Party Agreement on a project in which the municipal engineer assisted the municipality in the process of obtaining federal monies. A municipal engineer is may serve as a technical advisor on a municipal Selection Committee. A municipal engineer may NOT serve as a voting member of the Selection Committee.

7.3.3 – Municipal Selection Process

The Municipality must use the selection procedures found in Appendix 7A – Policy and Procedures for Consultant Selection. These procedures have been approved by the FHWA and comply with the FHWA Federal Aid Policy Guide (FAPG) and PennDOT's policy and procedures.

Code of Conduct - The Municipality must include a written code or standards of conduct in a resolution which will govern the performance of their employees engaged in the award and administration of contracts, stating that they neither solicit nor accept gratuities, favors, or anything of monetary value from Consultants or contractors or potential Consultants or contractors. To the extent permissible by state and local laws, rules, or regulations, such standards will provide for penalties, sanctions, or other disciplinary actions to be applied for violation of such standards.

If this process is not followed, federal funding may be in jeopardy.

7.3.4 – Municipality Advertises Need for Consultant Service

Large Project

The municipality will prepare a detailed Scope of Work (SOW), describing the project, its location, and services required,

The request for letters of interest from consulting firms interested in performing the required engineering services must appear in at least two newspapers, of wide local circulation, for one advertisement cycle. Municipality may substitute for one of these advertisements by forwarding their advertisement information to either:

Paper copy

American Council of Engineering Companies of PA
2040 Linglestown Road, Suite 200
Harrisburg, Pennsylvania 17110

or

Electronically

<http://www.acecpa.org/>

The advertisement will include the following information:

- A. Location and brief description of the required engineering services;
- B. Will indicate the method of procurement as competitive negotiations;
- C. A statement that the municipality encourages responses from small firms, minority firms, and firms who have not previously performed work for the municipality;
- D. The Disadvantaged Business Enterprise (DBE) Goal if any (see below);
- E. A statement that indicates whether the modified or standard selection method will be used;
- F. A list, in order of importance, of the selection criteria against which the letters of interest will be reviewed; and
- G. A request for special requirements U.S. General Services Administration (GSA) Form 330. A copy of this form can be found on the GSA Forms Library.

A minimum of two weeks must be given from the date of advertisement to SOI due date.

Municipal Engineer

The Municipality advertises its need for work and services of a Municipal Engineer following the criteria listed for **Large Projects**.

Advertisements must also document the qualifications needed for the Municipal Engineer position. The request for SOI's must contain the following information:

- Professional qualifications necessary for satisfactory performance of potentially required services;
- Any specialized experience and technical competence in the type of work that may be required;
- The firm's capacity, or availability of technical staff, to accomplish work in required time frames;

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- Location in the general geographic area of the Municipality and knowledge of the Municipality; and
- Specific experience and/or qualifications related to any other appropriate evaluation criteria.

DBE Goal

Large Projects – For all large projects the Municipality will be required to maintain a minimum DBE goal of 10% of the total contract amount. Lower goal percentages will need to be justified.

See Section 5.4 for policy and procedures in obtaining and meeting DBE goal participation.

Small Projects – PennDOT has no requirements for DBE goals for Small Projects.

However, a DBE Goal may be required based on the municipality's requirements.

Municipal Engineer – The selection of a Municipal Engineer does not require a DBE goal. However, the Municipal Engineer may have the opportunity to be assigned a Large Project agreement. In this event, a DBE goal may be required.

7.3.5 – Consultants Submit SOI's

Large Project
Municipal Engineer

Consultants submit SOI's in accordance with Section 2.4.

7.3.6 – District Creates Scope of Work and Estimate for Municipality

Small Project
Large Project
Municipal Engineer

Municipal Scope of Work

The District, with input from the Municipality, should generate the SOW based on the WBS found in ECMS. The SOW is created by the District's Project Manager with input from Agreement team members, as outlined in Section 2.5.1.

Construction Inspection - For *Consultant Construction Inspection Agreements*, PennDOT's latest version of "Scope of Work for Municipal Projects" Municipal Scope of Work should be used on all local agreements. Project Managers should fill out the anticipated number of inspectors and work-hours for each classification under the staffing requirements. Special requirements are also to be completed by the Project Manager. No other changes are allowed to be made to the SOW without approval by the BOCM Director.

An electronic copy of the latest "Scope of Work for Municipal Scope of Work Projects" is located in the ECMS File Cabinet.

Small Project
Large Project
Municipal Engineer

Municipal Independent Estimate

The Engineering District, with input from the Municipality, should generate the Independent/Department Estimate using the Forms found in Appendix 7B - District Estimate Summary for Municipal Agreements.

7.3.7 – Municipality Short Lists Three Consultants

Large Project

The municipality will select the three most qualified consultants who submit SOIs. A qualification committee shall review the qualifications of consultants who submit SOIs as well as their responsiveness to the requirements of the advertisement. Documentation of consultants considered and the committee's recommendation shall be maintained in the project file. The committee shall document the reasons for their recommendation.

It is important to note that ethical considerations mandate that any individual at the Municipality who has a potential conflict of interest with *any* of the Consultants submitting an SOI should not participate in this review. A fair and impartial evaluation of the SOI is a basic requirement of the qualification based selection process.

The following paragraphs must be added to each selection committee member's signed selection documentation:

In accordance to Publication 93 - "A fair and impartial evaluation of the Statements of Interest is a basic requirement of the qualification based selection process."

By signing this form I am certifying that neither I nor any members of my immediate family have a potential conflict of interest with any of the submitted firms.

The Municipality shall conduct discussions with the shortlisted firms to consider anticipated concepts and compare alternative methods for furnishing services.

7.3.8 – Consultants Create Technical Proposal

Small Project

Large Project

Municipal Engineer

Consultants submit Technical Proposal in accordance with Section 2.7.

7.3.9 – Municipality Final Ranks Consultant

Note: If less than three firms submit a SOI, the District must discuss viable options with the CAS Chief, who will co-ordinate a solution with the FHWA.

Small Project

The Municipality should evaluate the qualifications (not price proposal) of a minimum of three prospective Consultants that are qualified to provide the required services. The Municipality can review the ECMS Consultant qualifications packages if they are available and desire to do so. For firms where the ECMS Consultant qualification packages were not reviewed, a GSA Form 330 must be completed.

The list of Consultants contacted or considered and the qualification of those Consultants will be maintained by the Municipality as part of the project file.

The qualification committee shall review the qualification packages and make a recommendation for the ranking of the short listed consultants for the purpose of negotiating an engineering agreement. The committee shall document the reasons for their recommendation.

The Mayor, Council, Board of Supervisors, etc. shall review the recommendation of the rankings by the qualification committee and approve or reject the rankings.

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It is important to note that ethical considerations mandate that any individual at the Municipality who has a potential conflict of interest with *any* of the Consultants being considered should not participate in this evaluation. A fair and impartial evaluation of consultant qualification is a basic requirement of the qualification based selection process.

The following paragraphs must be added to each selection committee member's signed selection documentation:

In accordance to Publication 93 - "A fair and impartial evaluation of the Statements of Interest is a basic requirement of the qualification based selection process."

By signing this form I am certifying that neither I nor any members of my immediate family have a potential conflict of interest with any of the submitted firms.

The Municipality shall conduct discussions with the shortlisted firms to consider anticipated concepts and compare alternative methods for furnishing services.

Large Project

Upon receipt of the technical proposals from the consultants, the qualification committee shall review the technical proposals and oral presentations, if applicable, and make a recommendation for the ranking of the short listed consultants for the purpose of negotiating an engineering agreement. The committee shall document the reasons for their recommendation.

The Mayor, Council, Board of Supervisors, etc. shall review the recommendation of the rankings by the qualification committee and approve or reject the rankings.

Municipal Engineer

The SOIs and corresponding qualifications packages are reviewed.

It is important to note that ethical considerations mandate that any individual at the Municipality who has a potential conflict of interest with *any* of the Consultants submitting an SOI should not participate in this review. A fair and impartial evaluation of the SOI is a basic requirement of the qualification based selection process. The Municipality shall conduct discussions with the shortlisted firms to consider anticipated concepts and compare alternative methods for furnishing services.

The Municipality develops a Final Ranking of the shortlisted firms. The Municipality then designates the most qualified Consultant as their Municipal Engineer by an Act of the Mayor, Council, Board of Supervisors, etc.

The following paragraphs must be added to each selection committee member's signed selection documentation:

In accordance to Publication 93 - "A fair and impartial evaluation of the Statements of Interest is a basic requirement of the qualification based selection process."

By signing this form I am certifying that neither I nor any members of my immediate family have a potential conflict of interest with any of the submitted firms.

NOTE: This ends the Municipal Engineer Selection Process. However, the following steps relating to Municipal Engineer must be followed if a municipality wishes to create a third party Agreement, using Federal Funds, and use the selected Municipal Engineer.

7.3.10 – Municipality Requests Consultant Approval from PennDOT

Small Project
Large Project
Municipal Engineer

The ranking will be recommended to PennDOT for approval. Documentation supporting the ranking of the consultants shall be forwarded to PennDOT when requesting approval of the consultant's ranking.

Submission of the consultant's qualifications and documentation of the Municipal Selection Process utilized are to be included in the Municipality's request for PennDOT approval. If the Engineering District is unfamiliar with the Municipality's selected consultant, they may request a GSA Form 330 be provided.

7.3.11 – PennDOT Approves Selected Consultant

Small Project
Large Project
Municipal Engineer

The District will review the documentation and, if appropriate, forward their concurrence to the CAS for review and approval. PennDOT will document approval of the selection procedures and selected consultant via letter to the Municipality.

PennDOT approval of the selection procedures and selected Consultant is required prior to submission of a Third Party Agreement.

Upon approval of the Consultant by the CAS the Municipality should notify the Consultant that they have been selected and request a Price Proposal.

7.3.12 – Consultant Finalizes Technical and Submits Price Proposal

Small Project
Large Project
Municipal Engineer

Consultants submit Technical in accordance with Section 2.10.

Consultants should refer to Sections 3.6.3 through 3.6.10 for policy concerning development of a Price Proposal.

Price Proposals for Design and Construction Inspection Agreements should be submitted following the format shown in Worksheet 7A Paper Price Proposal Submission Design and Construction Inspection. Price Proposals for bridge inspection agreements should be submitted following the format shown in Worksheet 7B Paper Price Proposal Submission NBIS. Electronic spreadsheets for these worksheets are located in ECMS File Cabinet and on the ACEC Website. These spreadsheets are also available on the P drive. Consultants may obtain a copy of these by contacting the District or CAS.

Note:

These forms can be modified as necessary. Green highlighted fields are for edits. Blue highlighted fields contain calculations. Unnecessary row or columns should be 'hidden' NOT DELETED.

Any consultant using this form is responsible to verify all input and calculations.

NOTE: Using these electronic spreadsheets does not eliminate the consultant of any obligation to verify the information that they submit.

All pages of the Technical and Price Proposals MUST be submitted hard copy on 8 1/2" x 11", single sided paper. Failure to meet these requirements will cause the Proposal to be returned for revision.

7.3.13 – Municipality and District Review Submitted Proposals

Small Project

Large Project

Municipal Engineer

The District, in conjunction with the Municipality, will perform the technical reviews of the selected Consultant's technical and price proposals and document these reviews using the Review of Technical Proposal form found in [Appendix 2G Review of Technical Proposal](#).

The Municipality will review the Consultant's proposal and either reject it or recommend that it be accepted by PennDOT. This recommendation should be forwarded to the District along with:

- Approved Selection Procedures
- Any limitations on profit or salaries that the municipality has.
 - If the Municipality has no limitations, a statement to that effect should be included.
 - If the municipality's limitations are not as stringent as those listed in [Section 3.6](#), federal funds may be jeopardized.
- Evidence of the opportunity provided DBE firms
- The extent of solicitation of Consultants or evaluation of Consultant qualifications.
- Reference to past submissions may be made where the Municipality utilized the same Consultant on a past Federal-aid project successfully.

The District will prepare and submit the following to the CAS:

- 1) Cover letter transmitting the Municipal Agreement request including recommendations concerning the request,
- 2) Request for Consultant Services – Municipal Agreements or Supplemental Agreement Request – Municipal Agreements, -
 - [Appendix 7C– Request for Consultant Services – Municipal Project Specific Agreements \(Other than Construction Inspection\)](#);
 - [Appendix 7D – Request for Consultant Services – Municipal Agreements \(Construction Inspection\)](#); or
 - [Appendix 7E – Request for Supplemental Agreement](#)
- 3) the Engineering District's independent estimate,
 - [Appendix 7B – District Estimate Summary for Municipal Agreements](#)
- 4) the appropriate Review of Technical Proposals forms,
 - [Appendix 2G – Review of Technical Proposal](#)
- 5) two copies of the Consultant's proposals [one unbound]. For agreements where the estimate is over \$250,000, include another copy of the price proposal for the Pre-Award audit.

The appropriate forms must be included as they contain information necessary in writing the Municipal Agreement

Negotiation of work-hours between the Engineering District and the Consultant is not permitted.

7.3.14 – CAS Evaluates and Negotiates the Price Proposal, Prepares Legal Agreement

Small Project

Large Project

Municipal Engineer

If desired by the Municipality, the CAS will review the price proposal and hold negotiations as necessary.

The Price Proposal should be evaluated as outlined in Section 3.6 with the following exceptions:

- **Profit Limitations** – PennDOT's limitations on profit will not be forced on the Municipality. However, PennDOT will limit its contribution to these guidelines. If the Municipality's limitations are more stringent than PennDOT's, then those limitations will be honored by PennDOT.
- **Overhead**
 - For the computation of the engineer's Indirect Payroll Cost and for partial payment purposes, a provisional FAR overhead rate will initially be used. The consultant shall have a FAR Audit performed and furnished to the Municipality, at no direct cost to the Municipality, within six calendar months of the end of each fiscal year during which work is performed under this Agreement.
 - If the Consultant is unable to generate a FAR Overhead Rate because the firm has not been in business for a complete fiscal year, the Consultant shall generate a Pro-Forma Overhead Rate based on the best available accounting information. This Pro-Forma Overhead rate will be used as a provisional rate in the Consultant's price proposal.
 - **Small Project** – an internally prepared FAR overhead rate, accepted by PennDOT, may be used by the Prime or any sub-consultant under a municipal agreement. A firm may submit an audited FAR rate if one is available.
 - **Municipal Engineer** – an internally prepared FAR overhead rate, accepted by PennDOT, may be used by the municipal engineer or any sub-consultants. A firm may submit an audited FAR rate if one is available.

The CAS will prepare the Consultant Agreement, and provide three copies of the prepared Consultant Agreement to the Municipality for review and execution by the Municipality and the Consultant.

7.3.15 – Municipality Executes Agreement and Issues NTP

Small Project

Large Project

Municipal Engineer

The District will initiate a request for FHWA authorization of funds (Form D-4232, *Authorization of Funds*), with adequate time to secure this authorization in advance of finalizing the Engineering Agreement.

The Municipality and PennDOT will enter into a general Reimbursement Agreement setting forth the methods for reimbursing the federal and/or State funds. This Agreement will be prepared by the District, and forwards to the Comptroller. This Reimbursement Agreement must be fully executed prior to issuing the NTP. Any costs incurred prior to a fully executed Reimbursement Agreement cannot be reimbursed.

The IO Project Manager will advise the Municipality that they can issue the Consultant a written notice to proceed when

- a) the Reimbursement Agreement is fully executed,
- b) the engineering Consultant Agreement with the Municipality is fully executed, and
- c) FHWA has authorized the D-4232.

When all three are signed by both parties, one copy each is to be retained by the Consultant and the Municipality. The Municipality will forward one copy to CAS.

The Consultant cannot begin work and services until issued a written notice to proceed. The Notice to Proceed will reference all Parts included in the Supplemental Agreement. Refer to Appendix 7F Notice to Proceed Sample Letter.

7.4 – Managing the Consultant

PennDOT will designate a Project Manager and the Municipality will designate a Project Manager (a public employee) to serve as single points of contact during the term of the Consultant Agreement. The Municipality will conduct monthly (or other appropriate time period) meetings with the Consultant to review the status of the project. The IO Project Manager will be informed of these meetings and may attend. These meetings will be arranged by the Municipality, with notification to the IO Project Manager and the Consultant. At these meetings, the Consultant will present a status report indicating the percent of work and services completed in each project phase and any problems encountered. The Consultant will be responsible for documenting the results of these meetings by submitting an official record of minutes for concurrence by the Municipality and PennDOT. The Consultant will also document any follow-up or corrective action taken.

7.5 – Supplementing the Agreement

Supplements to the Municipal Agreement should be processed in accordance with the following Sections:

- Section 4.4 – Supplementing Consultant Agreements
- Section 7.3.6 – District Creates SOW and Estimate for Municipality
- Section 7.3.12 – Consultant Finalizes Tech, Submits Price Proposal
- Section 7.3.13 – Municipality and District Review Submitted Proposals
- Section 7.3.14 – CAS Evaluates and Negotiates Price Proposal; Prepares Legal Agreement
- Section 7.3.15 – Municipality Issues NTP

Note: reference to 'Agreement' in these sections should be considered "Supplement".

7.6 – Invoicing

The Municipality should establish invoice procedures (i.e. who the invoice should be sent to, how many copies, etc. The recommended interval is four weeks and a minimum amount of \$1,000 except for final invoices).

The invoice format will be in sufficient detail to monitor progress. For consistency sake and to facilitate review, the Engineering District may encourage the Municipality to use one of PennDOT's standard Invoice Templates. The Municipality will review the appropriate portions of the invoice, document its acceptance.

The Consultant sends invoice to Department of Revenue. The Department of Revenue scans the invoice into SAP. If there are problems with the invoice, it is sent to the Comptroller's Quality Control Office to resolve the issues. If the problems are not resolved, the invoice is returned to the Consultant for revisions.

When the problems are resolved, the invoice is returned to the Department of Revenue, and entered into SAP. The IO Project Manager reviews the invoice. If there are problems with the invoice, the invoice is returned to the Consultant for revisions. If there are no problems with the invoice, the IO Project Manager approves the invoice in SAP.

The Comptroller's Office audits the invoice. If there are problems with the invoice, the invoice is returned to the Consultant for revisions. If there are no problems with the invoice, the Comptroller's Office approves the invoice in SAP.

The Treasury receives the invoice and sends payment to the Consultant.

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For the occasional three-party Consultant Agreement (PennDOT, Municipality, and Consultant), Consultant invoices will be reviewed by the Central Office Bureau administering the program.

The Municipality is responsible for monitoring the Consultant's performance and conducting audits.

7.7 – Closing out the Agreement

Before the Consultant Agreement is terminated, the Municipality, in conjunction with PennDOT, will ensure that there is adequate documentation regarding the propriety of claims and that all terms and conditions of the contract have been satisfied.

The Municipality and the IO Project Manager will complete a Past Performance Report (Appendix 7G D-429 Past Performance Report (Non-Construction Inspection) or Appendix 7H D429 Past Performance Report – Construction Inspection).

For federally funded projects, a Certificate of Completion, see Appendix 7I Certificate of Completion, should be prepared.

BILL NO. _____ 2011
AN ORDINANCE

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, FEE SCHEDULE, FIRE DEPARTMENT (AKA DEPARTMENT OF FIRE AND RESCUE SERVICES) STANDBY CHARGES.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: The Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Fee Schedule, Fire Department (aka Department of Fire and Rescue Services) Standby Charges shall be and is hereby amended to read as follows:

Standby Charges	Paramedic Unit (w/crew) \$90.00 / hr. (Two hour minimum or \$180.00 for two hours or less.)
	Brush 1 (App. Only) \$70.00 / hr.
	Type #1 Engine (App. Only) \$85.00 / hr.
	Ladder Tk. (App. Only) \$125.00 / hr.
	(Two hour minimum or \$140.00, 170.00 &/or 250.00 respectively for two hours or less for specific apparatus only.)
	*In addition to apparatus charge/fee for Brush 1, Type #1 Engine and/or Ladder Tk., (with a two hour minimum), a Crew (2 members) fee of \$80.00 / hr. with a two hour minimum will be added. For example, the minimum standby charge for a Ladder Tk is \$410.00 for two hours
or	less.

SECTION 2: All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, which are contrary to the amendment set forth above in Section 1 are hereby repealed; otherwise, all other items, parts, sections, etc. of said Code shall remain in effect unchanged and likewise are ratified.

SECTION 3: This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

2011

Enacted _____,

President of Council

Attest:

City Clerk

BILL NO. _____ 2011
AN ORDINANCE

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, FEE SCHEDULE, TO REFLECT NEW RATE FOR POLICE DEPARTMENT STANDBY CHARGES.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: The Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Fee Schedule, Police Department Other Fees shall be and is hereby amended to include Standby Charges and shall read as follows:

Other Fees

Massage Therapist Fee	\$125	11-2005	2005
Special Event Permit	\$100 or \$300	30-2011	2011
Use of Pistol Range	\$25 per person		2001
Certified Copy of Police Report	\$15		
Local Criminal Check	\$10		
Bomb Squad / K-9 Squad	Sum of costs and manpower used		
Standby Charges	\$88 per hour per officer		

SECTION 2: All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, which are contrary to the amendment set forth above in Section 1 are hereby repealed; otherwise, all other items, parts, sections, etc. of said Code shall remain in effect unchanged and likewise are ratified.

SECTION 3: This ordinance shall be effective ten (10) days after its adoption and

approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

2011 Enacted _____,

President of Council

Attest:

City Clerk

BILL NO. _____-2011
AN ORDINANCE
AMENDING CHAPTER 5, CODE ENFORCEMENT, SECTION 1403 QUALITY OF
LIFE VIOLATIONS AND SECTION 1410 FINES AND PENALTIES OF THE
CODIFIED ORDINANCES OF THE CITY OF READING, ADDING ADDITIONAL
QUALITY OF LIFE VIOLATIONS

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

Section1. Chapter 5 – Code Enforcement of the City of Reading Codified Ordinances is hereby amended by adding the following violations to §14-103, Quality of Life Violations:

QOL.020 Historic District Violation – It shall be the responsibility of the owner of a property located in a Historic District, so designated by City Ordinance, to obtain a Certificate of Appropriateness from the Preservation Officer or the Historic Architecture Review Board before making any alteration, including paint, to the exterior of a structure visible from a public right-of-way. Failure to produce a *bona fide* Certificate of Appropriateness upon request by a Codes official shall constitute a violation of this Ordinance.

QOL.021 Visible Satellite Dish in Historic District – It shall be the responsibility of the owner of a property located in a Historic District, so designated by City Ordinance, to obtain a Certificate of Appropriateness from the Preservation Officer or the Historic Architecture Review Board before installing or retaining any satellite dish visible from a public right-of- way.

QOL.022 Registered Trash Hauler Required – It shall be the responsibility of the owner of every property to register a licensed trash hauler with the City.

QOL.023 Temporary Dumpster Permit Required -- Each temporary dumpster, whether placed on private property or in a public right of way, shall display a valid permit issued by the City of Reading.

Section 2. Chapter 5 – Code Enforcement of the City of Reading Codified Ordinances is hereby amended by adding the following to the fines specified in §5-1410, Fines and Penalties:

Violation	Description	Fine 1	Fine 2	Fine 3+
QOL.020	Historic District Violation	\$25.00	\$50.00	\$100.00
QOL.021	Satellite Dishes in Historic Districts	\$25.00	\$50.00	\$100.00
QOL.022	Registered Trash Hauler Required	\$25.00	\$50.00	\$100.00
QOL.023	Temporary Dumpster Permit Required	\$25.00	\$50.00	\$100.00

SECTION 3: All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, which are contrary to the amendment set forth above in Section 1 are hereby repealed; otherwise, all other items, parts, sections, etc. of said Code shall remain in effect unchanged and likewise are ratified.

SECTION 4: This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted _____, 2011

Council President

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

ORDINANCE __ - 2011

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED
ORDINANCES, PART 20, SOLID WASTE, PART 2, DUMPSTER PLACEMENT,
SECTION 203, CONDITIONS OF USE, SUBSECTION 2.E, TEMPORARY AND
PERMANENT DUMPSTERS

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

Section 1. The Codified Ordinances of the City of Reading Part 20 Solid Waste, Part 2 Dumpster Placement Section 203 Conditions of use is amended as follows:

§20-203. Conditions of Use.

2. Placement and Maintenance of Dumpsters.

E. Temporary and Permanent Dumpsters.

(1) **Temporary Dumpsters.** Temporary dumpsters, incidental to construction, rehabilitation or demolition work, may be placed within the public right-of-way, *or on private property*, for a maximum of 10 days after receipt of the necessary permit. The permit shall be displayed on the dumpster. All temporary dumpsters, *whether placed on private property or within a public right-of-way*, with contents *to be covered with a suitable cover or tarpaulin during: (a) periods of non-use; (b) night hours (6:00 P.M. to 6:00 A.M.); (c) high wind conditions; or (d) transport in order to prevent unauthorized use and/or scattering of any contents therein. It shall be the responsibility of the owner of the dumpster to obtain required permits. The City shall have the right to impound any unpermitted dumpster at the cost of the owner.*

[2] **Permanent Dumpsters.** Permanent dumpsters - 3 cubic yards or less – may be placed within the public right-of-way when it has been determined by the Codes Enforcement Division in conjunction with the Department of Public Works that no other location is available for trash collection and storage and the owner has received the necessary permit. The owner must first demonstrate that this dumpster is necessary to ensure the health and safety for area residents and patrons. Dumpsters *of* 3 cubic yards or greater cannot be permanently placed in any right-of-way.

SECTION 2: All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, which are contrary to the amendment set forth above in Section 1 are hereby repealed; otherwise, all other items, parts, sections, etc. of said Code shall remain in effect unchanged and likewise are ratified.

SECTION 3: This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted _____, 2011

Council President

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

AGENDA MEMO

TO: CITY COUNCIL

FROM: FREDERICK T. LACHAT, III, ESQUIRE

PREPARED BY: FREDERICK T. LACHAT, III, ESQUIRE

MEETING DATE: AUGUST 22, 2011

AGENDA MEMO DATE: AUGUST 11, 2011

REQUESTED ACTION: Council approve an ordinance Amending Chapter 5 Part 1 Building Code, Part 2 Plumbing Code, Part 4 Electrical Code and Part 5 Mechanical Code as well as the City of Reading Fee Schedule to include a \$150.00 fee for removal of a stop work order placard.

RECOMMENDATION: Administration recommends that Council approve the adoption of the Ordinance.

BACKGROUND: The increase is requested because there is no fee for the work performed by the Building and Trades Division when they inspect a work site that was issued a stop work order to ensure that the contractors or property owners have cured all Uniform Construction Code violations so that the stop work order placard can be removed and work resumed.

BUDGETARY IMPACT: Adopting this ordinance will allow the City to be reimbursed for the work performed by the Building and Trade division for the inspections and work required to ensure a project that has been placarded with a stop work order is brought back up to code before removal of the placard.

PREVIOUS ACTION: None

SUBSEQUENT ACTION: Council consider this Ordinance for adoption at its next regular scheduled meeting following discussion of the same.

RECOMMENDED BY: Chief Building Official, Mechanical Inspector, Electrical Inspector, Plumbing Inspector and City Legal Specialist recommend the adoption of this Ordinance.

RECOMMENDED MOTION: Approve the adoption of the Ordinance amending Chapter 5 Part 1 Building Code, Part 2 Plumbing Code, Part 4 Electrical Code and Part 5 Mechanical Code as well as the City of Reading Fee Schedule to include a \$150.00 fee for removal of a stop work order placard.

AN ORDINANCE AMENDING THE INTERNATIONAL/CITY OF READING BUILDING CODE, EXISTING BUILDING CODE, PLUMBING CODE, ELECTRICAL CODE, MECHANICAL CODE, AND RESIDENTIAL CODE AND AS ADOPTED BY THE CITY OF READING AND CODIFIED IN CHAPTER 5, CODE ENFORCEMENT, OF THE CITY OF READING CODIFIED ORDINANCES

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Chapter 5 Code Enforcement of the City of Reading Codified Ordinances is amended to include a stop work order placard removal fee in the amount of one hundred and fifty dollars (\$150.00) pursuant to the International/City of Reading Building Code, Existing Building Code, Electrical Code, Mechanical Code, Residential Code and Plumbing Code as Adopted by the City of Reading. Chapter 5 Code Enforcement is specifically amended as follows:

Part 1 Building Code

B. International Building Code

§5-112 Amendments

H. Chapter 1, Section 108.2 is amended to include the following:

Removal of Placard. The Building Code Official, his designee or Code Official shall remove the stop work order placard whenever the defect or defects upon which the stop work order and placarding action were based have been eliminated and with the payment of a \$150 fee. Any person who conceals, covers, hides, defaces or removes a stop work order placard without the approval of the Building Code Official shall be subject to the penalties provided by this code.

C. International Existing Building Code

§5-112 Amendments

C. Section 105.1.2.3 is amended to include the following:

Removal of Placard. The Building Code Official, his designee or Code Official shall remove the stop work order placard whenever the defect or defects upon which the stop work order and placarding action were based have been eliminated and with the payment of a \$150 fee. Any person who conceals, covers, hides, defaces or removes a stop work order placard without the approval of the Building Code Official shall be subject to the penalties provided by this code.

Part 2 International Plumbing Code

§5-202 Amendments

A. Administration

(5) Section 106, Permits

(e) ADM 106.6.2, Fee Schedule is amended to include the following:

Removal of Placard. The Building Code Official, his designee or Code Official shall remove the stop work order placard whenever the defect or defects upon which the stop work order and placarding action were based have been eliminated and with the payment of a \$150 fee. Any person who conceals, covers, hides, defaces or removes a stop work order placard without the approval of the Building Code Official shall be subject to the penalties provided by this code.

Part 4 International Electrical Code

§5-202 Amendments

8. Section 404, Fees.

A. Section 404.2 is amended to include the following:

Removal of Placard. The Building Code Official, his designee or Code Official shall remove the stop work order placard whenever the defect or defects upon which the stop work order and placarding action were based have been eliminated and with the payment of a \$150 fee. Any person who conceals, covers, hides, defaces or removes a stop work order placard without the approval of the Building Code Official shall be subject to the penalties provided by this code.

Part 5 International Mechanical Code

§5-202 Amendments

F. Section 106, Permits

(2) Section 106.5.2 Fees, is amended to include the following:

Removal of Placard. The Building Code Official, his designee or Code Official shall remove the stop work order placard whenever the defect or defects upon which the stop work order and placarding action were based have been eliminated and with the payment of a \$150 fee. Any person who conceals, covers, hides, defaces or removes a stop work order placard without the approval of the Building Code Official shall be subject to the penalties provided by this code.

Part 8 International Residential Code

§5-802 Amendments

B. Section R108.2 is amended to include the following:

Removal of Placard. The Building Code Official, his designee or Code Official shall remove the stop work order placard whenever the defect or defects upon which the stop work order and placarding action were based

have been eliminated and with the payment of a \$150 fee. Any person who conceals, covers, hides, defaces or removes a stop work order placard without the approval of the Building Code Official shall be subject to the penalties provided by this code.

SECTION 2. All other provisions of the International/City of Reading Building Code, Existing Building Code, Electrical Code, Mechanical Code, Residential Code and Plumbing Code as Adopted by the City of Reading shall remain effective.

SECTION 3. Any court determination that a portion of an amended section is unconstitutional or invalid shall not affect the remaining portion of said section or other ordinance sections.

SECTION 4. This Ordinance shall become effective within ten (10) days of the date of passage and approval by the Mayor or override of the Mayor's veto.

Adopted _____, 2011

Council President

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

AGENDA MEMO

TO: CITY COUNCIL
FROM: FREDERICK T. LACHAT, III, ESQUIRE
PREPARED BY: FREDERICK T. LACHAT, III, ESQUIRE
MEETING DATE:
AGENDA MEMO DATE: August 17, 2011

REQUESTED ACTION: Council approve an ordinance Amending Chapter 5 Part 1 Building Code, as well as the City of Reading Fee Schedule to require a City of Reading Building Code Official that is certified as an accessibility specialist, to perform accessibility plan reviews and inspections pursuant to Chapter 11 of the International Building Code and establishing a fee for accessibility plan reviews of 25% of the aggregate cost of labor and materials, but not to exceed \$2,000.00.

RECOMMENDATION: Administration recommends that Council approve the adoption of the Ordinance.

BACKGROUND: The City of Reading has elected to enforce the Uniform Construction Code. However, the City was required to defer all accessibility plan reviews to the state Department of Labor and Industry until it employed an official certified to perform accessibility reviews. The City has since hired Chief Building inspector Tom Wargo, is certified as an accessibility specialist and qualified to perform accessibility plan reviews. Now that the City has the capability under the Uniform Construction Code to perform these reviews and inspection.

BUDGETARY IMPACT: Adopting this ordinance will allow the City to generate revenue by conducting the plan reviews and inspections and charging a fee that is currently going to the Pennsylvania Department of Labor and industry.

PREVIOUS ACTION: None

SUBSEQUENT ACTION: Council consider this Ordinance for adoption at its next regular scheduled meeting following discussion of the same.

RECOMMENDED BY: Chief Building Official, Mechanical Inspector, Electrical Inspector, Plumbing Inspector and City Legal Specialist recommend the adoption of this Ordinance.

RECOMMENDED MOTION: Approve the adoption of the Ordinance amending Chapter 5 Part 1 Building Code, as well as the City of Reading Fee Schedule to require a City of Reading Building Code Official that is certified as an accessibility specialist, to perform accessibility plan reviews and inspections pursuant to Chapter 11 of the International Building Code and establishing a fee for accessibility plan reviews.

AN ORDINANCE AMENDING THE INTERNATIONAL/CITY OF READING BUILDING CODE, AS ADOPTED BY THE CITY OF READING AND CODIFIED IN CHAPTER 5, CODE ENFORCEMENT, OF THE CITY OF READING CODIFIED ORDINANCES

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Chapter 5 Code Enforcement of the City of Reading Codified Ordinances is amended to allow a City of Reading Building Code Official, who is certified as an accessibility specialist, to perform all accessibility plan reviews and inspections pursuant to § 403.141(b) of the Uniform Construction Code, with a fee each plan review of 25% of the aggregate cost of labor and materials, but not to exceed \$2,000.00, pursuant to the International/City of Reading Building Code, as Adopted by the City of Reading. Chapter 5 Code Enforcement is specifically amended as follows:

Part 1 Building Code

B. International Building Code

§5-103. Administration and Enforcement.

Administration and enforcement of the Building Code within the City of Reading, Pennsylvania shall be undertaken in any of the following ways as determined by the governing body of the City of Reading, Pennsylvania, from time to time by appropriate legislation:

A. By the designation of an employee of the City of Reading, Pennsylvania to serve as the municipal code official to act on behalf of the City of Reading, Pennsylvania.

B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the City of Reading, Pennsylvania.

C. By agreement with one or more other municipalities for the joint administration and enforcement of this Part through an intermunicipal agreement.

D. By entering into a contract with another municipality for the administration and enforcement of this Part on behalf of the City of Reading, Pennsylvania.

~~E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures~~
By retention of a building code official certified as an accessibility specialist, to perform accessibility plan reviews and inspections pursuant to Chapter 11 of the International Building Code.

§5-112 Amendments

- K. **J. Chapter 11**, is amended to allow the City of Reading Building Code Official, certified as an accessibility specialist, to perform all

accessibility plan reviews and inspections pursuant to § 403.141(b) of the Uniform Construction Code. A fee of .25% of the aggregate cost of labor and materials, but not to exceed \$2,000.00, shall be charged for all accessibility plan reviews and inspections.

SECTION 2. All other provisions of the International/City of Reading Building Code, as Adopted by the City of Reading shall remain effective.

SECTION 3. Any court determination that a portion of an amended section is unconstitutional or invalid shall not affect the remaining portion of said section or other ordinance sections.

SECTION 4. This Ordinance shall become effective within ten (10) days of the date of passage and approval by the Mayor or override of the Mayor's veto.

Adopted _____, 2011

Council President

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

RESOLUTION NO. _____

WHEREAS, the City of Reading and the Elm View Apartments Limited Partnership entered into a certain Loan Agreement dated June 22, 1995; and

WHEREAS, the Elm View Apartments Limited Partnership has notified the City of Reading of its intent to enter into an Agreement of Sale of the subject project's property and potential assignment of the City of Reading's loan; and

WHEREAS, the City of Reading has determined that the sale of the Elm View Apartments Limited Partnership project property is in the best interest of the City of Reading; and

WHEREAS, the City of Reading intends to draft an agreement to modify certain terms of the Note securing the monies provided through the June 22, 1995 Loan Agreement between the City of Reading and the Elm View Apartments Limited Partnership.

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

That the City of Reading consents to the sale of the Elm View Apartments Limited Partnership project property and the Mayor of the City of Reading is authorized to execute any and all documents required for the assignment of the above referenced loan and to modify certain Note and/or Loan Agreement terms, including but not limited to deferral of the July 2011 balloon payment, possible forgiveness of said balloon payment, and review of the July 2026 balloon payment for status determination.

Adopted by Council _____, 2011

President of Council

Attest:

City Clerk

(Law)

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Councilors Vaughn Spencer, Francis Acosta, and Stratton
Marmarou are reappointed to the Local Redevelopment Authority with a
term ending May 27, 2016.

Adopted by Council _____, 2011

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Sarah Jacobson is appointed to the Redistricting Committee
representing District 2.

Adopted by Council _____, 2011

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That JoAnne Brancadora is appointed to the Redistricting Committee
representing District 3.

Adopted by Council _____, 2011

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That William Seidel is appointed to the Redistricting Committee
representing District 5.

Adopted by Council _____, 2011

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Otis Smith is appointed to the Recreation Commission with a
term ending December 31, 2012.

Adopted by Council _____, 2011

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Eddie Moran is appointed to the Recreation Commission a term
ending December 31, 2013.

Adopted by Council _____, 2011

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

CITY OF READING
BERKS COUNTY, PENNSYLVANIA

RESOLUTION
Adopted August 22, 2011

WHEREAS, City of Reading, Berks County, Pennsylvania (the “City”), is a city of the third class of the Commonwealth of Pennsylvania (the “Commonwealth”); and

WHEREAS, the City previously issued its Federally-Taxable General Obligation Variable Rate Demand Notes, Series D of 2008 (the “Notes”) in the aggregate principal amount of Twenty One Million Two Hundred Thirty Thousand Dollars (\$21,230,000) to provide funds for and towards certain projects of the City; and

WHEREAS, the Notes were issued pursuant to the provisions of an Ordinance enacted by the Council of this City on August 11, 2008 (the “Ordinance”); and

WHEREAS, concurrently with the issuance of the Notes, Wells Fargo Bank, National Association, at the request and for the account of the City, issued a certain irrevocable direct-pay Letter of Credit dated September 10, 2008 (the “Original Letter of Credit”) in favor of U.S. Bank National Association, Philadelphia, Pennsylvania (the “Paying Agent”), as paying agent and sinking fund depositary; and

WHEREAS, pursuant to rights reserved to the City in the Ordinance, the City has determined to provide an Alternate Letter of Credit to the Paying Agent (the “Alternate Letter of Credit”); and

WHEREAS, the Alternate Letter of Credit will be issued by PNC Bank, National Association (the “Bank”) pursuant to the provisions of a Commitment Letter issued by the Bank (the “Commitment Letter”) and a reimbursement agreement (the “Reimbursement Agreement”) between the City and the Bank; and

WHEREAS, to effect the delivery of the Alternate Letter of Credit, the City must take, authorize and direct certain actions, must approve the terms of the Commitment Letter and must authorize and negotiate the terms of the Reimbursement Agreement and the other documents, instruments, agreements and certificates executed and delivered in connection therewith.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Reading, Berks County, Pennsylvania (the “Council”), in lawful session duly assembled, as follows:

The Council hereby approves the delivery by the Bank of the Alternate Letter of Credit. The terms and provisions of the Commitment Letter are hereby approved.

This Council hereby approves and ratifies all action heretofore taken in the name and on behalf of the City, in connection with the delivery of the Alternate Letter of Credit, by the Managing Director and other officers and employees of the City and authorizes such officers and

employees, after the review and approval of Bond Counsel to the City, to do any and all acts and things and to execute and deliver any and all documents, instruments, agreements and certificates necessary, proper or desirable to effect the delivery of the Alternate Letter of Credit on substantially the terms and conditions set forth herein.

The City hereby authorizes the Mayor and the City Clerk to execute and deliver the Commitment Letter and the Reimbursement Agreement and any other documents, agreements, instruments, certificates, receipts, instructions, financing statements or other items to which the City is a party or which is required to be executed and delivered by the City in connection with the delivery of the Alternate Letter of Credit, all in such form and with any necessary changes or modifications (collectively, sometimes hereinafter referred to as the "Letter of Credit Documents") as shall be acceptable to Bond Counsel and the Solicitor to the City and as shall be approved by the officers of the City executing the same, their execution and delivery thereof to constitute conclusive evidence of such approval.

The Mayor and the City Clerk are authorized, empowered and directed to execute and to deliver such other documents, agreements, certificates and instruments and to do such other acts or things as may be necessary, proper or desirable, in their sole judgment or in the judgment of Bond Counsel and the Solicitor to the City, to effect the transactions contemplated by the Letter of Credit Documents.

This Council approves, ratifies and confirms all action heretofore taken by the officers of the City and other persons in the name or on behalf of the City in connection with the undertakings herein contemplated.

In the event any provision, section, sentence, clause or part of this Resolution shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, section, sentence, clause or part of this Resolution, it being the intent of this Council that such remainder shall be and shall remain in full force and effect. All previous resolutions of this Council are hereby repealed to the extent that they are inconsistent with the provisions hereof.

DULY ADOPTED, THIS 22ND DAY OF AUGUST, 2011, BY THE COUNCIL OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, IN LAWFUL REGULAR SESSION DULY ASSEMBLED.

CITY OF READING
Berks County, Pennsylvania

(SEAL)

By: _____
Vaughn D. Spencer, President of Council

Attest: _____
Linda A. Kelleher CMC, City Clerk